

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

EMELIA M. PASTERNAK,	)	
	)	
Plaintiff(s),	)	No. C07-4980 CW (BZ)
	)	
v.	)	
	)	
TRANS UNION LLC, et al.,	)	<b>ORDER GRANTING CAPITAL</b>
	)	<b>ONE BANK'S MOTION FOR</b>
Defendant(s).	)	<b>PROTECTIVE ORDER AND TO</b>
	)	<b>QUASH</b>
_____	)	

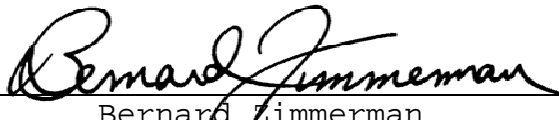
Before the court is defendant Capital One Bank's motion for a protective order and to quash a subpoena plaintiff served on Alec Trueblood. Having read the moving papers, the opposition and the reply and having had an informal discovery conference with the parties, I find no need or further hearing and vacate the July 23, 2008 hearing date. **IT IS ORDERED** that the motion is **GRANTED** for the following reasons:

1. Plaintiff's claim that the information in question was improperly designated as confidential in the Valdez litigation is best addressed to the Superior Court in Los Angeles which issued the protective order. See Foltz v. State Farm Mut. Auto Ins. Co., 331 F.3d 1122, 1132-33 (9th Cir.

1 2003). It does not appear that plaintiff has sought relief  
2 from that court.

3 2. In any event, the court agrees with defendant that  
4 the information sought is of very marginal relevance to this  
5 action. As defendant notes, Valdez involved an inter-family  
6 dispute whereas here the disputed accounts were opened by  
7 strangers. Different fraud departments and different  
8 investigators handled each matter. The court is not persuaded  
9 that granting plaintiff access to the requested information  
10 would facilitate the preparation of plaintiff's case, avoid  
11 wasteful discovery in this case or "shorten the depositions."  
12 Ultimately, plaintiff will still have to discover the  
13 procedures and practices applicable to plaintiff's situation  
14 and depose the people who conducted the fraud inquiry in this  
15 case and satisfy herself whether the defendant acted properly  
16 and lawfully. If plaintiff gets relief from the Superior  
17 Court, and that court concludes that it has protected  
18 information of some relevance to this suit, plaintiff may seek  
19 reconsideration of this ruling.

20 Dated: July 22, 2008

21   
22 Bernard Zimmerman  
23 United States Magistrate Judge

24 G:\BZALL\REFS\PASTERNAK V. TRANS UNION\ORDER RE DEF CAPITAL ONE.FINAL RULING.wpd  
25  
26  
27  
28